

DRAFT

DEVELOPMENT STANDARDS
FILE NO. PDC19-049
(EL PASEO MIXED-USE VILLAGE SIGNATURE PROJECT)
Effective Date: _____

In any cases where the graphic plans and text may differ, this text takes precedence.

BASE ZONING DISTRICT

The Base Zoning District for the El Paseo Planned Development ("PD") Zoning District is the Commercial General ("CG") Zoning District.

ALLOWED USES

1. USES

- a. Permitted, conditional, special, administrative, restricted, and prohibited uses shall be those identified for the Urban Village (UV) Zoning District in Title 20 of the San Jose Municipal Code (Zoning Code) in effect as of the effective date of this Planned Development (PD) Zoning District (Effective Date) or, at the election of the applicant, as amended, except that cemetery uses are prohibited.
- c. See Section 3, below, regarding the permitting process to establish uses in the El Paseo Planned Development Zoning District

2. OPEN SPACE

The General Development Plan designates areas that consist of private residential and commercial private open space; privately owned, publicly accessible open space (POPOS); and public open space.

- In commercial private open space areas, the uses shall be as permitted by Section 1, as further refined through the commercial covenant, conditions, and restrictions and/or lease agreements.
- In POPOS, in addition to uses permitted by the Zoning Code in effect on the Effective Date, or at the election of the applicant, as amended, the following uses are permitted without the approval of a Planned Development Permit or Planned Development Permit Amendment, consistent with Citywide Design Standards and Guidelines in effect as of the Effective date or, at the election of the applicant, as amended:
 - Outdoor Commercial Activities accessory to the uses in Section 1, including dining, retail, outdoor sales, farmers markets, and similar uses, involving no permanent habitable structures.
 - Outdoor Vending Facilities, such as mobile food vendors, pursuant to Section 3.

- Private Events, which are outdoor events that are not open to the general public, during the hours of 7 am to midnight, as long as the Private Event allows the general public a reasonable means of egress through the POPOS, as required to meet the Fire Code in effect on the Effective Date or as amended. Private Events must conform to the noise standards in Municipal Code Chapter 10.16 in effect on the Effective Date or, at the election of the applicant, as amended.

3. ESTABLISHMENT OF USES

All permitted, conditional, special, administrative, and restricted uses, as allowed by Section 1, require the approval of a Planned Development Permit or Planned Development Permit Amendment, and shall not require approval of a separate conditional use permit, special use permit, or administrative use permit, except that the following uses do not require approval of a Planned Development Permit or a Planned Development Permit Amendment:

- a. The following uses and structures are allowed without a Planned Development Permit or Planned Development Permit Amendment, in accordance with the Zoning Code, Chapter 20.80, in effect as of the Effective Date or, at the election of the applicant, as amended:
 - 1) Certified Farmer's Markets
 - 2) Outdoor Vending Facilities
 - 3) Seasonal Sales
 - 4) Temporary Outdoor Uses of Private Property
 - 5) Temporary Trailers
- b. The following uses and structures are allowed without a Planned Development Permit or Planned Development Permit Amendment, in accordance with Zoning Code Chapter 20.55 in effect as of the Effective Date or, at the election of the applicant, as amended:
 - 1) Accessory structures in accordance with Part 3, only in conjunction with a primary structure
 - 2) Accessory Dwelling Units in accordance with Section 20.55.201, Subdivision D
 - 3) Solar photovoltaic systems in accordance with Section 20.55.302, Table 20-138
 - 4) Incidental Uses in accordance with Section 20.55.201, Subdivision C
All existing uses are permitted and may continue in accordance with the regulations of the base zoning districts on any area of the site not yet developed pursuant to a Planned Development Permit.
- c. Special Events are allowed without a Planned Development Permit or Planned Development Permit Amendment, in accordance with Municipal Code Chapter 13.14 in effect as of the Effective Date or, at the election of the applicant, as amended.
- d. Outdoor Commercial Activities and Private Events as defined in Section 2.

DEVELOPMENT STANDARDS

MINIMUM DENSITY (Combined in Planned Development Zoning Area)

- Minimum Residential Density (excluding ADUs):
 - Minimum of 55 dwelling units per acre
- Minimum Commercial Square Footage: 164,928 square feet for the El Paseo Project Site (two sites)

BUILDING HEIGHT (Both Sites-Combined)

- Mixed-Use Commercial/Residential buildings – up to 145 feet to top of flat roof
- All Building Types: Elevator shafts, roof equipment, architectural roof features, stairwell overruns, and other non-habitable building elements may extend 15 feet past the maximum building flat roof height.

PERIMETER SETBACKS

El Paseo Site

- North setback: 0 feet minimum from property line
- West setback: 10 feet minimum from property line
- South setback: 25 feet minimum from property line
- East setback: 0 feet minimum from property line

1777 Saratoga Site

- North setback: 5 feet minimum from property line
- West setback: 4 feet minimum from property line
- South setback: 17 feet minimum from property line
- East setback: 10 feet minimum from property line

VEHICLE AND BICYCLE PARKING REQUIREMENTS:

- **Vehicle Parking** per the requirements of Zoning Code Chapter 20.90, Parts 2 and 3, in effect as of the Effective Date or, at the election of the applicant, as amended.
- **Bicycle Parking** per the requirements of Zoning Code Chapter 20.90, Parts 2.5 and 3, in effect as of the Effective Date or, at the election of the applicant, as amended.
- **Motorcycle Parking** per the requirements of Zoning Code Chapter 20.90, Part 4, in effect as of the Effective Date or, at the election of the applicant, as amended.
- **Loading Spaces** per the requirements of the Zoning Code Chapter 20.90, Part 5, in effect as of the Effective Date or, at the election of the applicant, as amended.

- **Shared Parking:** Commercial and multi-family residential parking may be shared among uses as authorized through a Planned Development Permit or a Planned Development Permit Amendment, consistent with Zoning Code Chapter 20.90, Part 3, in effect as of the Effective Date or, at the election of the applicant, as amended.

OPEN SPACE

- Residential Open Space Standards
 - Per the requirements of Zoning Code Section 20.55.102 in effect as of the Effective Date or, at the election of the applicant, as amended, except that instead of complying with Section 20.55.102(C)(3), residential uses shall comply with the following:
 - At least 25 percent of all dwelling units shall have direct access to private open space in the form of a balcony, patio, or roof terrace.
- Privately Owned Public Accessible Open Space (POPOS)
 - Shall be reserved for public access through a public access easement included in the final map or effectuated through a separate legal instrument.
 - Shall remain open and unobstructed to public pedestrians between the hours of 7 a.m. and 9 p.m., 7 days a week, except for the following:
 - Permittees (including property owners) shall have the right to close access to the open space for emergency repairs and/or maintenance, provided immediate written notice is given to the City and the duration of the closure is only for the completion of the emergency repairs and/or maintenance.
 - As authorized pursuant to a permit issued in accordance with Zoning Code Chapter 13.14 in effect as of the Effective Date or, at the election of the applicant, as amended.
 - As authorized pursuant to the PD Permit or other sections of this Planned Development Zoning.

SIGNAGE

- Permitted pursuant to San Jose Municipal Code, Title 23, as amended.

ARCHITECTURAL AND SITE DESIGN GUIDELINES

GROUND FLOOR INTERFACE for ground floor commercial spaces that front Quito or Saratoga Avenues:

- Ground-floor commercial spaces shall be, to the extent possible, at the same grade as the adjacent back of sidewalk or walkway, with reasonable variation allowable for gradient requirements and continuity of such floor level.
- At least 50 percent transparency shall be provided on ground-floor retail spaces

- Windows/glazing for ground floor commercial spaces shall be clear un-tinted glass
- Ground floor commercial spaces shall provide a minimum of:
 - Overall depth of 40 feet (outside face of exterior wall to outside face of exterior wall)
 - Minimum plate height of 15 feet for any one-story commercial building

BUILDING MASSING

- The composition of the facades should include recessions and projections
- No more than 40 percent of the length of the façade should be blank
- Building corners should create a focal point, which can be accomplished through massing, architectural details, and/or providing a plaza

BUILDING ENTRANCES for public and quasi-public uses such as lobbies, leasing centers, retail, and entertainment spaces located on the ground floor:

- Shall be placed at the ground-floor level; and
- Should include appropriate transparency and/or a feature providing architectural identity, such as an awning, recess, or projection, to indicate the location of primary entries and articulate the façade
- This section does not limit or control upper-story commercial uses.

STREETS AND SIDEWALKS

- Any private street or driveway into the project area should be accessed from a public or private street and provide the look and feel of a public street by including features such as park strips, sidewalks, street parking, etc., as appropriate given location and surrounding uses.

DEVELOPMENT PHASING

- The Project subject to this Planned Development Zoning District is permitted to be constructed in phases, where a phase can consist of one or more than one building.
- Prior to the certificate of occupancy being issued for residential development in any phase, the commercial area of the building must have been completed by the time the residential area of that same building is ready for occupancy.
- Within any phase with residential uses, final certificates of occupancy for residential uses shall not be issued prior to the donation of the land designated for public open space in the General Development Plan and the payment of the Parkland In-Lieu Fee due for the residential uses in the phase.

ENVIRONMENTAL MITIGATIONS

- Conform to all applicable requirements of the Mitigation Monitoring and Reporting Program approved for this rezoning by City Council Resolution No._____.